Dulles Ignores The Nathan-Schachtman "Right to Travel" Rulings, See Page 2

I. F. Stone's Weekly

VOL. III, No. 38 OCTOBER 17, 1955 WASHINGTON, D. C. 15 CENTS

Election Forecast 1956: Cold and Cloudy

The steady decline in the stock market—for three weeks it has been tolling the end of an era—makes all attempt to forecast next year's election foolish. The bull market is over. It had to end sometime, and the President's heart attack has started a rush to cash in the chips without waiting for an election year tax cut to make liquidation more profitable. The economic situation abroad is unsteady, inflation is again a danger in Western Europe and the raw material producing countries are nervous over the weakness in the basic world commodities. At home maintenance of business volume has become increasingly and dangerously dependent on inflation of consumer credit. The business world is moved more by hunch than statistic, the rabbit's foot superstitions of the primitive lie just below its slick surface. Uneasiness will take on momentum in the coming months. We are in for a change.

Economic instability and political instability feed on each other. A slump will strengthen both right and left against the center. In the Republican party, with Eisenhower fading from the picture, the rightists will pick up strength, and find support for a "twenty years of treason" election campaign. The conservative business core of the Administration will fight for a candidate and a campaign in the Eisenhower image. For the inner big business crowd, the ideal of a "safe and sane" candidate would be Secretary of the Treasury Humphrey, running a "peace and prosperity" campaign with Eisenhower backing. From the standpoint of world peace, four more years of such an administration might be good, for it could negotiate a new world settlement more easily than the Democrats.

A Macbethian Frenzy

But everything is terrifyingly dependent on Eisenhower's health. Should an unexpected turn for the worse force his resignation or should he die, Nixon as his successor would be in a position almost to ensure the nomination for himself. The Nixons, on the very brink of the Presidency, must feel an almost Macbethian frenzy. The California organization is against him for having obtained the Vice Presidency by selling out Warren; the McCarthyites regard him as a traitor; the China Lobby sees him as untrustworthy; the White House crowd dislikes him intensely; the politicoes feel sure he could not win the election; and the big business men regard him as a kind of political errand boy. But fate might yet make Nixon President, and the Republican candidate.

The economic and political forces undermining conservatism in the Republican party also undermine it in the Democratic party. This means a weakening of Stevenson. Stevenson has many assets—his head start, the fact that the last campaign made him better known than any other Democratic candidate, and perhaps mass instinct in a troubled time for a man with promise of genuine bigness. But Stevenson is closer in outlook and temperament to the Eisenhower crowd than to the combination of city machine politicians, labor leaders, and millionaires-in-overalls (like Harriman and "Soapy" Williams) who run the Democratic party. It is not difficult to understand why Truman is drifting away from him in the general direction of Harriman. Truman's demagogy about big business (which he turns on like a spigot at election time though he did little enough to make good on such talk while in office) is quite different from the gentlemanly views Stevenson unveiled in the October issue of *Fortune*. Adlai is no "give 'em hell" campaigner. That kind of tub thumping is not his style.

Comforts of Cold War

Much more serious is the divergence between Truman and Stevenson on foreign policy. Truman and Harriman are still cold warriors, hostile to the "Geneva spirit," opposed to "relaxation," still devoted to the arms race, and wedded to the conception of "negotiation from strength." A campaign in which the Republicans were accused of appeasement holds many attractions for the Democrats. It would please the Roman Catholic blocs in the city machines and in the labor movement, as George Meany's speech last week to the American Legion again illustrated. It would undercut any Republican campaign to accuse the Democrats of being soft on Communism. And it would provide the easy stimulant of bigger arms contracts to create employment in a slump. (It's a shrewd hunch that keeps aircraft stocks up while the rest of the market goes down). The "Left" that would be strengthened by hard times is not the evaporated left of the Wallaceites but the "left" of organized labor which would again comfortably combine cold war and the welfare state.

Where Stevenson and George have skilfully back-stopped Eisenhower on the road to peace, developing a vested interest in "Geneva," Truman cannot help but resent the applause given Eisenhower for making peace in Korea and for beginning to liquidate the cold war. Here Truman is close to Harriman. A combination of Stalin regime rudeness, broken Yalta promises of free elections in Eastern Europe, and the raw human stink of a great revolution in process of achievement permanently antagonized this heir to a multi-millioned fortune when he was in Moscow. The crudeness of his robber baron forbears might have found the crudeness of the Bolsheviks congenial, but it was too much for their gentlemanly heir. This synthetic New Dealer from New York, where Cardinal Spellman is a power, would turn back the clock to cold war if elected. Yet his Governorship of the biggest state in the union, and the important fact that he is in a position to be his own "fat cat," must give him an almost irresistible fascination for the professional politicians of the poorer party. If Harriman is their candidate, finance is no problem.

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State Department Intends to Ignore the Nathan and Schachtman "Right to Travel" Rulings

Dulles Insists on Iron Curtain at Home While Fighting It Abroad

Secretary of State Dulles wants to lift the iron curtain in Russia and maintain it in America. His own affidavit and the State Department pleadings in the Carl Foreman case before the Court of Appeals here last week deserve wider attention than the press has given them. The Secretary successfully opposed Foreman's effort to get a ten day temporary passport with which to visit Paris on film business. Refusal of the passport meant the loss of a $75,000 cinema contract for Foreman, producer of "High Noon," a refugee from the Hollywood blacklist now living in England, where his U.S. passport was lifted by the U.S. Embassy two years ago.

The Secretary's affidavit shows that he intends to make no revision in present passport hearing procedures, under which derogatory information is kept secret from the applicant. The State Department trickily dismisses the Otto Nathan case requirement of a "quasi judicial hearing" (see full account in the *Weekly* of last June 13) as no precedent, since technically it was only a court ruling on an application for a stay, and "does not represent any ruling on the merits." In that case the Department shrewdly evaded a ruling on the merits by hastily issuing a passport. It now contends that the Nathan case does not require a reform of its passport hearing procedure.

Schachtman Rule Sidestepped

The Schachtman decision is sidestepped with equal agility, and the outcome supports our own astringent view of that over-advertised decision (see "The Right to Travel Is As Yet Only A Right to Litigate" in The *Weekly* of July 4). The State Department argued, "The Schachtman case holds that a citizen's right to travel abroad is 'subject to the rights of others and to reasonable regulation under law.' The *Schachtman* case held merely that it was arbitrary for the Secretary of State to deny a passport on the sole ground that the applicant was the head of an organization listed as subversive by the Attorney General, when in fact that organization was not subversive, had been denied an opportunity to prove its innocent character, and the Department of State itself considered the organization hostile to the Communist International."

Can Informing Be Required?

". . . the use by the defendant [State Department] of the plaintiff's refusal to furnish names of persons known to him to be Communist Party members at the time he was a member as a basis for denying passport facilities was unwarranted in the passport regulations, was an arbitrary abuse of discretion and was in excess of defendant's powers."

—Carl Foreman's plea for a temporary restraining order against John Foster Dulles.

The unwary reader would never guess from this jesuitical summary that the State Department has held Schachtman's organization subversive and refused him a full passport hearing even though an anti Communist leaflet signed by Schachtman had been dropped over Shanghai in 1949 after its capture by the Reds. (See text in our July 4 issue, the only place where this was reported.)

The State Department pleadings also indicate future passport intentions in asserting that it is not a violation of due process to deny a man a passport on undisclosed evidence as was done in Foreman's case. Use of secret informants in merchant marine screenings, conscientious objector and employe loyalty cases are cited as precedent.

The Proof of "Sincerity"

Passport applicants will not only continue to be the victim of informants if the State Department has its way but must themselves become informants to qualify for passports. Foreman left the Communist Party in 1949, swore under oath in 1950 that he was no longer a member, but took the Fifth amendment when asked by the House Un-American Activities Committee to name other persons. The Department has made itself the inquisitorial committee's "secular arm." In January Dulles rejected Foreman's application for a new passport and more recently his request for a 10-day temporary passport to Paris on the ground that he "was not satisfied" that Foreman's connection with the Communist party "had been terminated under such circumstances as to warrant the belief" that he was no longer under its influence. These lofty but standard phrases are those used by the Department where an admitted ex-Communist refuses to "prove his sincerity" by naming others.

Rule Of Law Under Dulles

"The record of the proceedings before the Department of State shows that, despite the requests of the plaintiff, he was denied the opportunity (1) of knowing and rebutting the evidence against him, (2) of seeing and excepting to the recommendation of the hearing officer or the Board of Passport Appeals, or (3) of examining and excepting to a statement giving with particularity the reasons for the final denial of passport facilities, whether of a permanent or temporary nature."

—Affidavit for Carl Foreman in his passport suit against John Foster Dulles.

The Dulles affidavit, in trying to establish Foreman's political heresy, uses the typical informer effluvia of a loyalty hearing. It cites Foreman's conduct in the Screen Writers Guild in 1950-51, the fact that he subscribed to the *Daily People's World* in June 1951, that he helped a political prisoners fund in the same year, that he was on the mailing list of the Hollywood Arts, Sciences and Professions Council in 1951-52, and that his name "appeared in the records" (just how is not specified) of the Los Angeles Committee for the Protection of the Foreign Born. Significantly the affidavit cites no heretical associations since 1952 and alleges no improper conduct while abroad since that time. Neither does it contest Foreman's claim that he is no longer a member of the Communist Party.

Only A "Natural Right"?

Legally the Foreman case sets no precedent since the District Judge, Pine, decided only that he could not issue a temporary restraining order but could act only after a full hearing on the merits. The Court of Appeals (Prettyman, Fahy and Danaher) rejected Foreman's appeal without written opinion. But the pleadings do show Dulle's intention to maintain present procedures though some of his subordinates feel that the U.S. cannot press at the UN and Geneva for a lifting of the Soviet iron curtain while maintaining rigid political bars on the right to travel at home. Foreman's lawyers, Sidney E. Cohn and Eugene Gressman, plan further proceedings.

State Department aids attending the argument before the Court of Appeals took notes with great satisfaction when Judge Fahy, who wrote the *Schachtman* decision, said the right to travel was a "natural" rather than a "constitutional" right. This metaphysical gibberish splits (if we may mix the metaphor) a potent legal hair, since there are many "natural" rights which are not guaranteed by the Constitution and are subject to regulation, curtailment and even denial.

The strategy of the Department in giving passports to Otto Nathan, Clark Foreman, and others earlier this year while pursuing the Paul Robeson case is now clear. It wants as test case the application of a man so close to the Communist Party line that it may use the Communist-phobia to establish its right to refuse passports for political reasons. Though nervous liberals will shy away from defending Robeson's right to travel, this is the case that may finally determine theirs.

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A Quick Look Around: Sokolsky Defends Himself Against Brooklyn Tablet

Sen. Humphrey & the Word "Peace"; Why We Liked Peron; Coal vs. Atom

GRATUITOUS SLAP: "It is an amazing document starting with the gratuitous claim that 'there is peace' . . ."—Senator Hubert H. Humphrey (D. Minn.) complaining about an Agriculture Department publicity release, "Facts Important to Farmers." Why do liberal Democrats like Humphrey bristle at the word "peace"? . . . DOLLAR SIGN VS. CROSS: The Argentine situation was one of the few occasions in recent years when the State Department and the Vatican did not see eye to eye. This was reflected in the celerity with which the latter recognized the new Lonardi government while the former waited, as if hoping that Peron might yet work a miracle. The State Department was ready to forgive Peron his outburst of anti-clericalism because he was showing a new piety toward foreign investments. His overthrow disrupted not only the pending Standard Oil contract but negotiations (1) to pay for expropriated American and Foreign Power properties and (2) to allow U.S. investors to begin to draw their profits (hitherto blocked) out of Argentina. While investors were to be allowed withdrawal of $4.2 millions in profits, the U.S. was prepared to make $60 million available through the Export-Import Bank for a new semi-public steel mill. . . . SIGN OF CHANGING TIMES: George Sokolsky in the Hearst New York *Journal-American* October 8 forced to defend himself against a letter in the *Brooklyn Tablet* criticizing him for defending Landy (as did the Hearst newspapers).

COAL VS. ATOM: The Atomic Energy Commission will have trouble at the next session of Congress with the coal industry. Congressman James E. Van Zandt (R. Pa.) is marshalling both coal labor and capital in his campaign to force the AEC to make cost figures public on the uranium supplied private atomic industry. Coal suspects a hidden subsidy, and Van Zandt wants coal, oil and gas protected from unfair competition. In the course of the conflict between the older and newer forms of energy, the public may also learn to what extent the atomic industry will have a stake in a continued atomic arms race so that it can have an assured and profitable market for fissionable materials produced in the course of generating power . . . COOPS VS. MONOPOLY: Elk River, Montana, has the second highest rural electric power costs in the country because coal for existing generating plants has to be brought in by truck. Six Minnesota cooperatives have been dickering with the AEC to build a 22,000 kilowatt, $6 million reactor at Elk River. National Rural Electric Cooperative Association last week accused the AEC of giving the project a run-around . . . SIMILAR CHARGES OF PARTIALITY to private big power interests came at the same time from Congressman Irwin D. Davidson (D.-Lib., N. Y.) in connection with the sale of leftover atomic power at West Milton, N. Y., to the Niagara Mohawk power group with nonprofit utilities left out in the cold, despite the preference provision of the Atomic Energy Act. . . . It looks as if atomic power is on its way to becoming a major political issue. . . .

SHADOW OF A POSTAL CENSORSHIP: The scandal magazine *Confidential* won only half a victory last week in its fight against postal censorship. Judge Luther W. Youngdahl made the Postoffice Department withdraw instructions holding up the mailing of the next issue until it could determine whether it contained obscene matter. But the magazine had to agree to let postal authorities inspect the next issue in advance of mailing. This would give the Postoffice time for a court order if it thought the issue obscene. . . . LATTIMORE TEACHING AGAIN: We have better news to report in the wake of a more famous Youngdahl decision. Owen Lattimore is teaching again at Johns Hopkins. He has been reinstated with tenure as a lecturer, and is giving a course this semester on Chinese history based on studies for a forthcoming book on "China in History." Though the Walter Hines Page School of International Relations, of which Lattimore was director, was disbanded during the long attack upon him, his return to classes writes a pleasant finis to a great case.

Same Name As The Fellow Who Wanted To Bomb Across The Yalu

"He thinks that another war would be double suicide and that there is enough sense on both sides of the Iron Curtain to avoid it. The Soviets and the democracies will adopt the best characteristics of each other, and in the process of many years, there will not be a strict demarcation between their ideals; therefore no causes for war between them."

—General of the Army Douglas MacArthur, as reported by Mayor Achille Lauro of Naples, after a talk with MacArthur at the Waldorf Astoria, Oct. 7.

Ah, Heraclitus, How Melancholy and Monotonous Are The Claims of Empire!

"Nothing in The World Is Permanent" — Except British Control of Cyprus

To the latest issue of Keesing's Contemporary Archives to arrive from London we are indebted for the full text of the two questions addressed by the Turkish Foreign Minister to the British Foreign Secretary and the latter's answers the day after the terrible anti Greek riots in Istanbul and Izmir. The answers would make Gilbert & Sullivan envious, though the circumstances may make them seem less than funny to the Greeks:

"(1) Does the British Government intend to maintain in the present and in the future the right of sovereignty on the island of Cyprus, devolved upon Great Britain by the Treaty of Lausanne?

"To this Mr. Macmillan replied as follows:

" 'The British position . . . is really a simple one. We are a very empirical people. We try to deal with facts as we see them. There is nothing permanent in the world, and especially in the nuclear world; and in the long history of mankind—no one knows it better than the races and countries bordering on the Mediterranean—there are many changes and permutations which take place. But we face facts as they are. We accepted Cyprus as a trust, in 1878, to meet certain strategic and political conditions of the world. These strategic and political conditions have reproduced themselves with melancholy and monotonous iteration, and indeed are present today in a far greater degree than ever. Therefore, while we cannot look into the future at a very great distance, we cannot foresee conditions enabling us to abandon in one direction or another the trust we undertook and which we must still carry out. . . .

"(2) If the British Government is determined to maintain sovereignty on the island, does it, for the present or for the future, accept any principle of self-determination which might ultimately lead to the independence of the island or to its accession to another country [i.e. reunion with Greece IFS]?

"To this Mr. Macmillan replied: 'I think I have already answered that question. We do not accept the principle of self-determination as one of universal application. We think that exceptions must be made in view of geographical, traditional, historical, strategical, and other considerations.' "

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Foreign Affairs Roundup: Why Should Moscow Become "A Merchant of Death"?

The Ike-Bulgania Exchange: Progress En Route to Geneva

After two generations of struggle by the Left in every capitalist country for abolition of the war-breeding munitions business is the stronghold of world socialism still so weak that it couldn't afford to announce, "The Soviet Union stands ready to trade with any and every country but not in the tools of war." Is the sale of munitions to dictators, and to countries which need peace but drift toward war, any more honorable and decent a trade just because Skoda is now owned by the Czechoslovak Republic? We believe the Soviet Union wants peace. Why, then, should it play with fire in the highly inflammable Middle East? . . .

Years ago an Italian anarchist, Armando Borghi, author of "Mussolini Red and Black," then an anti-Fascist exile in our country, told me a story of his visit to Moscow during the first meeting of the Third International under the Bolshevik regime. Borghi said he ran into Karl Radek with a volume of "The Prince" under his arm, and Radek discoursed brilliantly on Macchiavelli. Borghi commented sadly in telling me the story in his broken English, "Macchiavelli all right for Caesar. No good for Brutus." Can those who seek to serve humanity use the same methods as those who seek only power for themselves? Must not Brutus be corrupted if he acts like Caesar? . . .

More progress than meets the naked eye seems to be in the making on the way to Geneva. The British, playing something of a broker's role, are trying to subordinate talk of the grandiose Eisenhower aerial inspection plan to less glamorous but more practical methods of easing tension. Bulganin's letter to Eisenhower was noteworthy chiefly because it no longer linked the Soviet arms proposal (as Moscow did last May) with withdrawal of U.S. bases. Eisenhower's reply opens the door tentatively to the Soviet "key points" inspection proposals. The Pentagon is still opposed to arms reduction of any kind, but the pressure is on for a change in this respect too. . . .

Before the American Legion in Miami last week John Foster Dulles for the first time tentatively acknowledged that change was working like a yeast within the Soviet Union and that a peaceful internal transformation away from dictatorship and in the relations between Moscow and its satellites was possible. We award him an A for effort and suggest that his brother Allen W. of CIA, who still clings to the old line, drop a parachutist into the State Department and freshen up his intelligence sources. . . .

And if it's any comfort to Molotov, the Dunn survey of Greenwich, Conn., reported last week that the United States, with the help of the Republican and Democratic parties has now entered "the fourth and final movement into socialism." . . . Like Molotov, we thought only the foundations had been laid. . . .

More Contempt Cases

Lawrence Arguimbau, a former teacher at MIT, was tried without a jury here last week for refusing on moral grounds to give the House Un-American Activities Committee the names of others who were in the Communist party with him until he left it five years ago. His counsel, Osmond K. Fraenkel, attacked the authority of the Committee on First Amendment grounds. It will be several weeks before there is a decision. Barrows Dunham, a former teacher at Temple University, well known for his books on philosophy, goes on trial for contempt of the same committee this week in another test of the Fifth Amendment. And Goldie Watson, the Philadelphia schoolteacher, who pleaded the First before the House committee, will be tried next week. All three contempts occurred in 1953.

A Senator Trying to Be Optimistic

"The predominant factor in the current situation in south Vietnam is the survival of the Diem government. Not only has Ngo Dinh Diem remained in power; he has greatly strengthened his position as the head of the free Vietnamese government. . . . There is a need, however, to avoid undue optimism. . . . Diem's authority is still weak outside Saigon-Cholon and other cities.

—Senator Mansfield's report on Vietnam, Oct. 10.

"The authority of the southern Vietnam government does not extend effectively over the whole of its territory. Large tracts of the countryside of Cochinchina are in the hands of the three rebel sects, the Caodaists, the Binh Xuyen, and the Hoa Hoa, all hostile to the government of Mr. Ngo Dinh Diem. . . . The mass of the people in the south favor the Communist regime in the north, but for reasons of nationalistic sentiment rather than because of any doctrinaire attachment to Communism. . . . The kind of argument one hears is that the choice lies between an efficient dictatorship in the north and an inefficient dictatorship in the south. . . . All shades of Vietnamese nationalist opinion are now agreed that the only hope of saving southern Vietnam from Communism lies in removing . . . Diem."

—The Economist (London) October 8.

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